

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

THE RESEARCH FOUNDATION FOR THE
STATE UNIVERSITY OF NEW YORK and
UNIVERSITY OF CONNECTICUT and
WORCESTER POLYTECHNIC INSTITUTE,

Plaintiffs,

v.

SAMSUNG ELECTRONICS CO., LTD.;
SAMSUNG ELECTRONICS AMERICA, INC.;
SAMSUNG SEMICONDUCTOR, INC.,

Defendants.

Case No. 2:23-cv-00141-RWS-RSP

JOINT CLAIM CONSTRUCTION AND PREHEARING STATEMENT

Pursuant to the Court’s First Amended Docket Control Order entered January 4, 2024 (Dkt. 52) and the Patent Local Rules for the Eastern District of Texas (“Patent Rules” or “P.R.”), Plaintiffs The Research Foundation for the State University of New York, University of Connecticut and Worcester Polytechnic Institute (collectively, “Plaintiffs”) and Defendants Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., and Samsung Semiconductor, Inc. (collectively, “Defendants”) hereby submit their Joint Claim Construction and Prehearing Statement.

I. Construction of Claim Terms on Which the Parties Agree (P.R. 4-3(a)(1))

The parties have not reached agreement on any terms for construction.

II. Disputed Claim Terms/Phrases (P.R. 4-3(a)(2))

The chart showing the parties’ proposed constructions with intrinsic and extrinsic evidence supporting such constructions is attached as Exhibit A. All parties reserve the right to rely upon any intrinsic or extrinsic evidence identified by any other party, and any evidence obtained through claim construction discovery. In addition, each party reserves the right to amend, correct, or

supplement its claim construction positions and supporting evidence in response to any change of position by any other party, or for other good cause.

III. Anticipated Length of Time for Necessary for the Claim Construction Hearing (P.R. 4-3(a)(3))

The Claim Construction Hearing is set to begin on August 20, 2024 at 9:00 a.m. in Marshall, Texas before Judge Roy Payne. The parties believe that no more than four (4) hours should be necessary for a claim construction hearing. The Parties agree that the hearing time should be divided equally between Plaintiffs and Defendants.

IV. Anticipated Witnesses at the Claim Construction Hearing

At the present time, the parties do not anticipate calling any live witnesses at the claim construction hearing.

V. Other Issues to be Addressed at a Prehearing Conference Prior to the Claim Construction Hearing

At this time, the parties are not aware of any other issues that might be appropriately addressed at a prehearing conference prior to the Claim Construction Hearing.

DATED: June 7, 2024

/s/ Michael A. Siem by permission Andrea Fair

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CERTIFICATE OF SERVICE

Pursuant to Federal Rules of Civil Procedure and Local Rule CV-5, I hereby certify that a copy of the foregoing document was served via ECF to all counsel of record on this 7th day of June, 2024.

/s/ Andrea Fair

Andrea Fair